

AMENDED IN SENATE JUNE 23, 2008

AMENDED IN SENATE MAY 8, 2008

AMENDED IN SENATE JUNE 26, 2007

AMENDED IN SENATE JUNE 18, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 23, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1486

Introduced by Assembly Member Charles Calderon

(Principal coauthor: Senator Steinberg)

(Coauthor: Assembly Member Saldana)

February 23, 2007

An act to amend Sections 728, 805, and 4990 of, to add Chapter 16 (commencing with Section 4999.10) to Division 2 of, and to repeal Sections 4999.56 and 4999.101 of, the Business and Professions Code, and to amend Section 11165.7 of the Penal Code, relating to professional counselors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1486, as amended, Charles Calderon. Licensed professional counselors.

Existing law provides for the licensure and regulation of marriage and family therapists and clinical social workers by the Board of

Behavioral Sciences, in the Department of Consumer Affairs and makes the provision establishing the board inoperative on July 1, 2009, and repealed on January 1, 2010. Under existing law, the Board of Behavioral Sciences consists of 11 members.

This bill would provide for the licensure or registration and regulation of licensed professional counselors and interns by the Board of Behavioral Sciences. The bill would add 4 additional members to the board, to be appointed by the Governor and would make the provision establishing the board inoperative on July 1, 2010, and repealed on January 1, 2011. The bill would enact various provisions concerning the practice of licensed professional counselors, interns, and counselor trainees, including, but not limited to, practice requirements, and enforcement specifications. The bill would authorize the board to issue licenses to individuals meeting certain criteria who apply between October 1, 2009, and March 31, 2010. The bill would authorize the board to begin accepting applications for intern registration on January 1, 2010, and for professional counselor licensure on January 1, 2011. The bill would authorize the board to impose specified fees on licensed professional counselors and interns which would be deposited in the Behavioral Sciences Fund to carry out the provisions of the bill. The bill would provide that the startup costs of the program shall be funded by a loan from the Behavioral Sciences Fund, upon appropriation by the Legislature. The bill would provide that a violation of its provisions is a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine.

This bill would add licensed professional counselors, professional counselor trainees, and unlicensed professional counselor interns to the list of individuals who are mandated reporters. By imposing the reporting requirement on a new class of persons, the violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 728 of the Business and Professions Code
2 is amended to read:

3 728. (a) Any psychotherapist or employer of a psychotherapist
4 who becomes aware through a patient that the patient had alleged
5 sexual intercourse or alleged sexual contact with a previous
6 psychotherapist during the course of a prior treatment, shall provide
7 to the patient a brochure promulgated by the department that
8 delineates the rights of, and remedies for, patients who have been
9 involved sexually with their psychotherapist. Further, the
10 psychotherapist or employer shall discuss with the patient the
11 brochure prepared by the department.

12 (b) Failure to comply with this section constitutes unprofessional
13 conduct.

14 (c) For the purpose of this section, the following definitions
15 apply:

16 (1) "Psychotherapist" means a physician and surgeon
17 specializing in the practice of psychiatry or practicing
18 psychotherapy, a psychologist, a clinical social worker, a marriage
19 and family therapist, a licensed professional counselor, a
20 psychological assistant, a marriage and family therapist registered
21 intern or trainee, an intern or trainee as specified in Chapter 16
22 (commencing with Section 4999.10), or an associate clinical social
23 worker.

24 (2) "Sexual contact" means the touching of an intimate part of
25 another person.

26 (3) "Intimate part" and "touching" have the same meaning as
27 defined in subdivisions (f) and (d), respectively, of Section 243.4
28 of the Penal Code.

29 (4) "The course of a prior treatment" means the period of time
30 during which a patient first commences treatment for services that

1 a psychotherapist is authorized to provide under his or her scope
2 of practice, or that the psychotherapist represents to the patient as
3 being within his or her scope of practice, until the
4 psychotherapist-patient relationship is terminated.

5 SEC. 2. Section 805 of the Business and Professions Code is
6 amended to read:

7 805. (a) As used in this section, the following terms have the
8 following definitions:

9 (1) "Peer review body" includes:

10 (A) A medical or professional staff of any health care facility
11 or clinic licensed under Division 2 (commencing with Section
12 1200) of the Health and Safety Code or of a facility certified to
13 participate in the federal Medicare Program as an ambulatory
14 surgical center.

15 (B) A health care service plan registered under Chapter 2.2
16 (commencing with Section 1340) of Division 2 of the Health and
17 Safety Code or a disability insurer that contracts with licentiates
18 to provide services at alternative rates of payment pursuant to
19 Section 10133 of the Insurance Code.

20 (C) Any medical, psychological, marriage and family therapy,
21 social work, licensed professional counseling, dental, or podiatric
22 professional society having as members at least 25 percent of the
23 eligible licentiates in the area in which it functions (which must
24 include at least one county), which is not organized for profit and
25 which has been determined to be exempt from taxes pursuant to
26 Section 23701 of the Revenue and Taxation Code.

27 (D) A committee organized by any entity consisting of or
28 employing more than 25 licentiates of the same class that functions
29 for the purpose of reviewing the quality of professional care
30 provided by members or employees of that entity.

31 (2) "Licentiate" means a physician and surgeon, podiatrist,
32 clinical psychologist, marriage and family therapist, clinical social
33 worker, licensed professional counselor, or dentist. "Licentiate"
34 also includes a person authorized to practice medicine pursuant to
35 Section 2113.

36 (3) "Agency" means the relevant state licensing agency having
37 regulatory jurisdiction over the licentiates listed in paragraph (2).

38 (4) "Staff privileges" means any arrangement under which a
39 licentiate is allowed to practice in or provide care for patients in
40 a health facility. Those arrangements shall include, but are not

1 limited to, full staff privileges, active staff privileges, limited staff
2 privileges, auxiliary staff privileges, provisional staff privileges,
3 temporary staff privileges, courtesy staff privileges, locum tenens
4 arrangements, and contractual arrangements to provide professional
5 services, including, but not limited to, arrangements to provide
6 outpatient services.

7 (5) “Denial or termination of staff privileges, membership, or
8 employment” includes failure or refusal to renew a contract or to
9 renew, extend, or reestablish any staff privileges, if the action is
10 based on medical disciplinary cause or reason.

11 (6) “Medical disciplinary cause or reason” means that aspect
12 of a licentiate’s competence or professional conduct that is
13 reasonably likely to be detrimental to patient safety or to the
14 delivery of patient care.

15 (7) “805 report” means the written report required under
16 subdivision (b).

17 (b) The chief of staff of a medical or professional staff or other
18 chief executive officer, medical director, or administrator of any
19 peer review body and the chief executive officer or administrator
20 of any licensed health care facility or clinic shall file an 805 report
21 with the relevant agency within 15 days after the effective date of
22 any of the following that occur as a result of an action of a peer
23 review body:

24 (1) A licentiate’s application for staff privileges or membership
25 is denied or rejected for a medical disciplinary cause or reason.

26 (2) A licentiate’s membership, staff privileges, or employment
27 is terminated or revoked for a medical disciplinary cause or reason.

28 (3) Restrictions are imposed, or voluntarily accepted, on staff
29 privileges, membership, or employment for a cumulative total of
30 30 days or more for any 12-month period, for a medical disciplinary
31 cause or reason.

32 (c) The chief of staff of a medical or professional staff or other
33 chief executive officer, medical director, or administrator of any
34 peer review body and the chief executive officer or administrator
35 of any licensed health care facility or clinic shall file an 805 report
36 with the relevant agency within 15 days after any of the following
37 occur after notice of either an impending investigation or the denial
38 or rejection of the application for a medical disciplinary cause or
39 reason:

1 (1) Resignation or leave of absence from membership, staff, or
2 employment.

3 (2) The withdrawal or abandonment of a licentiate's application
4 for staff privileges or membership.

5 (3) The request for renewal of those privileges or membership
6 is withdrawn or abandoned.

7 (d) For purposes of filing an 805 report, the signature of at least
8 one of the individuals indicated in subdivision (b) or (c) on the
9 completed form shall constitute compliance with the requirement
10 to file the report.

11 (e) An 805 report shall also be filed within 15 days following
12 the imposition of summary suspension of staff privileges,
13 membership, or employment, if the summary suspension remains
14 in effect for a period in excess of 14 days.

15 (f) A copy of the 805 report, and a notice advising the licentiate
16 of his or her right to submit additional statements or other
17 information pursuant to Section 800, shall be sent by the peer
18 review body to the licentiate named in the report.

19 The information to be reported in an 805 report shall include the
20 name and license number of the licentiate involved, a description
21 of the facts and circumstances of the medical disciplinary cause
22 or reason, and any other relevant information deemed appropriate
23 by the reporter.

24 A supplemental report shall also be made within 30 days
25 following the date the licentiate is deemed to have satisfied any
26 terms, conditions, or sanctions imposed as disciplinary action by
27 the reporting peer review body. In performing its dissemination
28 functions required by Section 805.5, the agency shall include a
29 copy of a supplemental report, if any, whenever it furnishes a copy
30 of the original 805 report.

31 If another peer review body is required to file an 805 report, a
32 health care service plan is not required to file a separate report
33 with respect to action attributable to the same medical disciplinary
34 cause or reason. If the Medical Board of California or a licensing
35 agency of another state revokes or suspends, without a stay, the
36 license of a physician and surgeon, a peer review body is not
37 required to file an 805 report when it takes an action as a result of
38 the revocation or suspension.

39 (g) The reporting required by this section shall not act as a
40 waiver of confidentiality of medical records and committee reports.

1 The information reported or disclosed shall be kept confidential
2 except as provided in subdivision (c) of Section 800 and Sections
3 803.1 and 2027, provided that a copy of the report containing the
4 information required by this section may be disclosed as required
5 by Section 805.5 with respect to reports received on or after
6 January 1, 1976.

7 (h) The Medical Board of California, the Osteopathic Medical
8 Board of California, and the Dental Board of California shall
9 disclose reports as required by Section 805.5.

10 (i) An 805 report shall be maintained by an agency for
11 dissemination purposes for a period of three years after receipt.

12 (j) No person shall incur any civil or criminal liability as the
13 result of making any report required by this section.

14 (k) A willful failure to file an 805 report by any person who is
15 designated or otherwise required by law to file an 805 report is
16 punishable by a fine not to exceed one hundred thousand dollars
17 (\$100,000) per violation. The fine may be imposed in any civil or
18 administrative action or proceeding brought by or on behalf of any
19 agency having regulatory jurisdiction over the person regarding
20 whom the report was or should have been filed. If the person who
21 is designated or otherwise required to file an 805 report is a
22 licensed physician and surgeon, the action or proceeding shall be
23 brought by the Medical Board of California. The fine shall be paid
24 to that agency but not expended until appropriated by the
25 Legislature. A violation of this subdivision may constitute
26 unprofessional conduct by the licensee. A person who is alleged
27 to have violated this subdivision may assert any defense available
28 at law. As used in this subdivision, "willful" means a voluntary
29 and intentional violation of a known legal duty.

30 (l) Except as otherwise provided in subdivision (k), any failure
31 by the administrator of any peer review body, the chief executive
32 officer or administrator of any health care facility, or any person
33 who is designated or otherwise required by law to file an 805
34 report, shall be punishable by a fine that under no circumstances
35 shall exceed fifty thousand dollars (\$50,000) per violation. The
36 fine may be imposed in any civil or administrative action or
37 proceeding brought by or on behalf of any agency having
38 regulatory jurisdiction over the person regarding whom the report
39 was or should have been filed. If the person who is designated or
40 otherwise required to file an 805 report is a licensed physician and

surgeon, the action or proceeding shall be brought by the Medical Board of California. The fine shall be paid to that agency but not expended until appropriated by the Legislature. The amount of the fine imposed, not exceeding fifty thousand dollars (\$50,000) per violation, shall be proportional to the severity of the failure to report and shall differ based upon written findings, including whether the failure to file caused harm to a patient or created a risk to patient safety; whether the administrator of any peer review body, the chief executive officer or administrator of any health care facility, or any person who is designated or otherwise required by law to file an 805 report exercised due diligence despite the failure to file or whether they knew or should have known that an 805 report would not be filed; and whether there has been a prior failure to file an 805 report. The amount of the fine imposed may also differ based on whether a health care facility is a small or rural hospital as defined in Section 124840 of the Health and Safety Code.

(m) A health care service plan registered under Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code or a disability insurer that negotiates and enters into a contract with licentiates to provide services at alternative rates of payment pursuant to Section 10133 of the Insurance Code, when determining participation with the plan or insurer, shall evaluate, on a case-by-case basis, licentiates who are the subject of an 805 report, and not automatically exclude or deselect these licentiates.

SEC. 3. Section 4990 of the Business and Professions Code is amended to read:

4990. (a) There is in the Department of Consumer Affairs, a Board of Behavioral Sciences that consists of 15 members composed as follows:

- (1) Two state licensed clinical social workers.
- (2) One state licensed educational psychologist.
- (3) Two state licensed marriage and family therapists.
- (4) Two licensed professional counselors.
- (5) Eight public members.

(b) Each member, except the eight public members, shall have at least two years of experience in his or her profession.

(c) Each member shall reside in the State of California.

(d) The Governor shall appoint six of the public members and the seven licensed members with the advice and consent of the

Senate. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(e) Each member of the board shall be appointed for a term of four years. A member appointed by the Speaker of the Assembly or the Senate Committee on Rules shall hold office until the appointment and qualification of his or her successor or until one year from the expiration date of the term for which he or she was appointed, whichever first occurs. Pursuant to Section 1774 of the Government Code, a member appointed by the Governor shall hold office until the appointment and qualification of his or her successor or until 60 days from the expiration date of the term for which he or she was appointed, whichever first occurs.

(f) A vacancy on the board shall be filled by appointment for the unexpired term by the authority who appointed the member whose membership was vacated.

(g) Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

(h) Each member of the board shall receive a per diem and reimbursement of expenses as provided in Section 103.

(i) This section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Chapter 16 (commencing with Section 4999.10) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 16. LICENSED PROFESSIONAL COUNSELORS

Article 1. Administration

4999.10. This chapter constitutes, and may be cited as, the Licensed Professional Counselor Act.

4999.12. For purposes of this chapter, the following terms have the following meanings:

(a) "Board" means the Board of Behavioral Sciences.

(b) "Accredited" means a school, college, or university accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association.

1 (c) “Approved” means a school, college, or university that
2 possessed unconditional approval by the Bureau for Private
3 Postsecondary and Vocational Education at the time of the
4 applicant’s graduation from the school, college, or university.

5 (d) “Applicant” means an unlicensed person who has completed
6 a master’s or doctoral degree program, as specified in Section
7 4999.32 or 4999.33, as applicable, and whose application for
8 registration as an intern is pending or who is in the examination
9 process, or an unlicensed person who has completed the
10 requirements for licensure specified in this chapter, is no longer
11 registered with the board as an intern, and is currently in the
12 examination process.

13 (e) “Licensed professional counselor” or “LPC” means a person
14 licensed under this chapter to practice professional counseling, as
15 defined in Section 4999.20.

16 (f) “Intern” means an unlicensed person who meets the
17 requirements of Section 4999.42 and is registered with the board.

18 (g) “Counselor trainee” means an unlicensed person who is
19 currently enrolled in a master’s or doctoral degree program, as
20 specified in Section 4999.32 or 4999.33, as applicable, that is
21 designed to qualify him or her for licensure under this chapter, and
22 who has completed no less than 12 semester units or 18 quarter
23 units of coursework in any qualifying degree program.

24 (h) “Approved supervisor” means an individual who meets the
25 following requirements:

26 (1) Has documented two years of clinical experience as a
27 licensed professional counselor, licensed marriage and family
28 therapist, licensed clinical psychologist, licensed clinical social
29 worker, or licensed physician and surgeon who is certified in
30 psychiatry by the American Board of Psychiatry and Neurology.

31 (2) Has received professional training in supervision.

32 (3) Has not provided therapeutic services to the counselor trainee
33 or intern.

34 (4) Has a current and valid license that is not under suspension
35 or probation.

36 (i) “Professional enrichment activities” includes the following:

37 (1) Workshops, seminars, training sessions, or conferences
38 directly related to professional counseling attended by the applicant
39 and approved by the applicant’s supervisor.

1 (2) Participation by the applicant in group, marital or conjoint,
2 family, or individual psychotherapy by an appropriately licensed
3 professional.

4 (j) “Advertising” or “advertise” includes, but is not limited to,
5 the issuance of any card, sign, or device to any person, or the
6 causing, permitting, or allowing of any sign or marking on, or in,
7 any building or structure, or in any newspaper or magazine or in
8 any directory, or any printed matter whatsoever, with or without
9 any limiting qualification. It also includes business solicitations
10 communicated by radio or television broadcasting. Signs within
11 church buildings or notices in church bulletins mailed to a
12 congregation shall not be construed as advertising within the
13 meaning of this chapter.

14 (k) “Referral” means evaluating and identifying the needs of a
15 client to determine whether it is advisable to refer the client to
16 other specialists, informing the client of that judgment, and
17 communicating that determination as requested or deemed
18 appropriate to referral sources.

19 (l) “Research” means a systematic effort to collect, analyze, and
20 interpret quantitative and qualitative data that describes how social
21 characteristics, behavior, emotion, cognitions, disabilities, mental
22 disorders, and interpersonal transactions among individuals and
23 organizations interact.

24 (m) “Supervision” includes the following:

25 (1) Ensuring that the extent, kind, and quality of counseling
26 performed is consistent with the education, training, and experience
27 of the person being supervised.

28 (2) Reviewing client or patient records, monitoring and
29 evaluating assessment, diagnosis, and treatment decisions of the
30 counselor trainee.

31 (3) Monitoring and evaluating the ability of the intern or
32 counselor trainee to provide services to the particular clientele at
33 the site or sites where he or she will be practicing.

34 (4) Ensuring compliance with laws and regulations governing
35 the practice of licensed professional counseling.

36 (5) That amount of direct observation, or review of audio or
37 videotapes of counseling or therapy, as deemed appropriate by the
38 supervisor.

39 4999.14. The board shall do all of the following:

1 (a) Communicate information about its activities, the
2 requirements and qualifications for licensure, and the practice of
3 professional counseling to the relevant educational institutions,
4 supervisors, professional associations, applicants, counselor
5 trainees, interns, and the public.

6 (b) Develop policies and procedures to assist educational
7 institutions in meeting the educational qualifications of Sections
8 4999.32 and 4999.33.

9
10 Article 2. Scope of Practice
11

12 4999.20. (a) Professional counseling means the application of
13 counseling interventions and psychotherapeutic techniques to
14 identify and remediate behavioral, cognitive, mental, and emotional
15 issues, including personal growth, adjustment to disability, crisis
16 intervention, and psychosocial and environmental problems.
17 Professional counseling includes conducting assessments for the
18 purpose of establishing treatment goals and objectives to empower
19 individuals to deal adequately with life situations, reduce stress,
20 experience growth, and make well-informed, rational decisions.

21 (b) “Counseling interventions and psychotherapeutic techniques”
22 means the application of cognitive, affective, behavioral, verbal
23 or nonverbal, systemic or holistic counseling strategies that include
24 principles of development, wellness, and pathology that reflect a
25 pluralistic society. These interventions and techniques are
26 specifically implemented in the context of a professional counseling
27 relationship and use a variety of counseling theories and
28 approaches.

29 (c) “Assessment” means selecting, administering, scoring, and
30 interpreting tests, instruments, and other tools and methods
31 designed to measure an individual’s attitudes, abilities, aptitudes,
32 achievements, interests, personal characteristics, disabilities, and
33 mental, emotional, and behavioral concerns and development and
34 the use of methods and techniques for understanding human
35 behavior in relation to coping with, adapting to, or ameliorating
36 changing life situations, as part of the counseling process.
37 “Assessment” shall not include the use of projective techniques
38 in the assessment of personality, individually administered
39 intelligence tests, neuropsychological testing, or utilization of a
40 battery of three or more tests to determine the presence of

1 psychosis, dementia, amnesia, cognitive impairment, or criminal
2 behavior.

3 (d) Professional counselors shall refer clients to other licensed
4 health care professionals when they identify issues beyond their
5 own scope of education, training, and experience.

6 4999.22. (a) Nothing in this chapter shall prevent qualified
7 persons from doing work of a psychosocial nature consistent with
8 the standards and ethics of their respective professions. However,
9 these qualified persons shall not hold themselves out to the public
10 by any title or description of services incorporating the words
11 “licensed professional counselor” and shall not state that they are
12 licensed to practice professional counseling, unless they are
13 otherwise licensed to provide counseling services.

14 (b) Nothing in this chapter shall be construed to constrict, limit,
15 or withdraw provisions of the Medical Practice Act, the Clinical
16 Social Worker Practice Act, the Nursing Practice Act, the
17 Psychology Licensing Law, or the Marriage and Family Therapy
18 licensing laws.

19 (c) This chapter shall not apply to any priest, rabbi, or minister
20 of the gospel of any religious denomination who performs
21 counseling services as part of his or her pastoral or professional
22 duties, or to any person who is admitted to practice law in this
23 state, or who is licensed to practice medicine, who provides
24 counseling services as part of his or her professional practice.

25 (d) This chapter shall not apply to an employee of a
26 governmental entity or of a school, college, or university, or of an
27 institution both nonprofit and charitable, if his or her practice is
28 performed solely under the supervision of the entity, school, or
29 organization by which he or she is employed, and if he or she
30 performs those functions as part of the position for which he or
31 she is employed.

32 (e) All persons registered as interns or licensed under this
33 chapter shall not be exempt from this chapter or the jurisdiction
34 of the board.

35 4999.24. Nothing in this chapter shall restrict or prevent
36 activities of a psychotherapeutic or counseling nature on the part
37 of persons employed by accredited or state-approved academic
38 institutions, public schools, government agencies, or nonprofit
39 institutions engaged in the training of graduate students or
40 counselor trainees pursuing a course of study leading to a degree

1 that qualifies for professional counselor licensure at an accredited
2 or state-approved college or university, or working in a recognized
3 training program, provided that these activities and services
4 constitute a part of a supervised course of study and that those
5 persons are designated by a title such as “counselor trainee” or
6 other title clearly indicating the training status appropriate to the
7 level of training.

8
9 Article 3. Licensure

10
11 4999.30. Except as otherwise provided in this chapter, a person
12 shall not practice or advertise the performance of professional
13 counseling services without a license issued by the board, and shall
14 pay the license fee required by this chapter.

15 4999.32. (a) This section shall apply to applicants for licensure
16 who began graduate study before August 1, 2012.

17 (b) To qualify for a license, applicants shall possess a master’s
18 or doctoral degree that is counseling or psychotherapy in content
19 and that meets the requirements of this section, obtained from an
20 accredited or approved institution, as defined in Section 4999.12.
21 For purposes of this subdivision, a degree is “counseling or
22 psychotherapy in content” if, except as provided in subdivision
23 (d), it contains the supervised practicum or field study experience
24 described in paragraph (3) of subdivision (c) and the coursework
25 *in the core content areas* listed in subparagraphs (A) to (I),
26 inclusive, of paragraph (1) of subdivision (c).

27 (c) Except as provided in subdivision (d), the degree described
28 in subdivision (b) shall contain not less than 48 graduate semester
29 or 72 graduate quarter units of instruction, which shall include all
30 of the following:

31 (1) The equivalent of at least three semester units or four and
32 one-half quarter units of graduate study in each of following *core*
33 *content areas*:

34 (A) Counseling and psychotherapeutic theories and techniques,
35 including the counseling process in a multicultural society, an
36 orientation to wellness and prevention, counseling theories to assist
37 in selection of appropriate counseling interventions, models of
38 counseling consistent with current professional research and
39 practice, development of a personal model of counseling, and
40 multidisciplinary responses to crises, emergencies, and disasters.

1 (B) Human growth and development across the lifespan,
2 including normal and abnormal behavior and an understanding of
3 developmental crises, disability, psychopathology, and situational
4 and environmental factors that affect both normal and abnormal
5 behavior.

6 (C) Career development theories and techniques, including
7 career development decisionmaking models and interrelationships
8 among and between work, family, and other life roles and factors,
9 including the role of multicultural issues in career development.

10 (D) Group counseling theories and techniques, including
11 principles of group dynamics, group process components,
12 developmental stage theories, therapeutic factors of group work,
13 group leadership styles and approaches, pertinent research and
14 literature, group counseling methods, and evaluation of
15 effectiveness.

16 (E) Assessment, appraisal, and testing of individuals, including
17 basic concepts of standardized and nonstandardized testing and
18 other assessment techniques, norm-referenced and
19 criterion-referenced assessment, statistic concepts, social and
20 cultural factors related to assessment and evaluation of individuals
21 and groups, and ethical strategies for selecting, administering, and
22 interpreting assessment instruments and techniques in counseling.

23 (F) Multicultural counseling theories and techniques, including
24 counselors' roles in developing cultural self-awareness, identity
25 development, promoting cultural social justice, individual and
26 community strategies for working with and advocating for diverse
27 populations, and counselors' roles in eliminating biases and
28 prejudices, and processes of intentional and unintentional
29 oppression and discrimination.

30 (G) Principles of diagnosis, treatment planning, and prevention
31 of mental and emotional disorders and dysfunctional behavior,
32 including the use of the American Psychiatric Association's
33 "Diagnostic and Statistical Manual of Mental Disorders."

34 (H) Research and evaluation, including studies that provide an
35 understanding of research methods, statistical analysis, the use of
36 research to inform evidence-based practice, the importance of
37 research in advancing the profession of counseling, and statistical
38 methods used in conducting research, needs assessment, and
39 program evaluation.

1 (I) Professional orientation, ethics, and law in counseling,
2 including professional ethical standards and legal considerations,
3 licensing law and process, regulatory laws that delineate the
4 profession's scope of practice, counselor-client privilege,
5 confidentiality, the client dangerous to self or others, treatment of
6 minors with or without parental consent, relationship between
7 practitioner's sense of self and human values, functions and
8 relationships with other human service providers, strategies for
9 collaboration, and advocacy processes needed to address
10 institutional and social barriers that impede access, equity, and
11 success for clients.

12 (2) A minimum of 12 semester units or 18 quarter units of
13 *advanced* coursework to develop knowledge of specific treatment
14 issues or special populations.

15 (3) Not less than six semester units or nine quarter units of
16 supervised practicum or field study experience, or the equivalent,
17 in a clinical—~~or counseling~~ setting that provides a range of
18 professional counseling experience, including the following:

19 (A) Applied psychotherapeutic techniques.

20 (B) Assessment.

21 (C) Diagnosis.

22 (D) Prognosis.

23 (E) Treatment.

24 (F) Issues of development, adjustment, and maladjustment.

25 (G) Health and wellness promotion.

26 (H) Other recognized counseling interventions.

27 (I) A minimum of 150 hours of face-to-face supervised *clinical*
28 experience counseling individuals, families, or groups.

29 (d) (1) An applicant whose degree is deficient in no more than
30 two of the required areas of study listed in subparagraphs (A) to
31 (I), inclusive, of paragraph (1) of subdivision (c) or in the required
32 number of units pursuant to this section may satisfy the
33 requirements by successfully completing postmaster's or
34 postdoctoral degree coursework at an accredited or approved
35 institution, as defined in Section 4999.12.

36 (2) Coursework taken to meet deficiencies in the required areas
37 of study listed in subparagraphs (A) to (I), inclusive, of paragraph
38 (1) of subdivision (c) shall be the equivalent of three semester units
39 or four and one-half quarter units of study.

1 (3) The board shall make the final determination as to whether
2 a degree meets all requirements, including, but not limited to,
3 course requirements, regardless of accreditation.

4 4999.33. (a) This section shall apply to applicants for licensure
5 as a professional counselor who began graduate study on or after
6 August 1, 2012.

7 (b) To qualify for a license, applicants shall possess a master's
8 or doctoral degree that is counseling or psychotherapy in content
9 and that meets the requirements of this section, obtained from an
10 accredited or approved institution, as defined in Section 4999.12.
11 For purposes of this subdivision, a degree is "counseling or
12 psychotherapy in content" if, except as provided in subdivision
13 (f), it contains the supervised practicum or field study experience
14 described in paragraph (3) of subdivision (c) and ~~the courses~~
15 *coursework in the core content areas* listed in subparagraphs (A)
16 to (K), inclusive, of paragraph (1) of subdivision (c).

17 (c) Except as provided in subdivision (f), the degree described
18 in subdivision (b) shall contain not less than 60 graduate semester
19 or 90 graduate quarter units of instruction, which shall include all
20 of the following:

21 (1) The equivalent of at least three semester units or four and
22 one-half quarter units of graduate study in all of the following *core*
23 *content* areas:

24 (A) Counseling and psychotherapeutic theories and techniques,
25 including the counseling process in a multicultural society, an
26 orientation to wellness and prevention, counseling theories to assist
27 in selection of appropriate counseling interventions, models of
28 counseling consistent with current professional research and
29 practice, development of a personal model of counseling, and
30 multidisciplinary responses to crises, emergencies, and disasters.

31 (B) Human growth and development across the lifespan,
32 including normal and abnormal behavior and an understanding of
33 developmental crises, disability, psychopathology, and situational
34 and environmental factors that affect both normal and abnormal
35 behavior.

36 (C) Career development theories and techniques, including
37 career development decisionmaking models and interrelationships
38 among and between work, family and other life roles and factors,
39 including the role of multicultural issues in career development.

1 (D) Group counseling theories and techniques, including
2 principles of group dynamics, group process components, group
3 developmental stage theories, therapeutic factors of group work,
4 group leadership styles and approaches, pertinent research and
5 literature, group counseling methods, and evaluation of
6 effectiveness.

7 (E) Assessment, appraisal, and testing of individuals, including
8 basic concepts of standardized and nonstandardized testing and
9 other assessment techniques, norm-referenced and
10 criterion-referenced assessment, statistic concepts, social and
11 cultural factors related to assessment and evaluation of individuals
12 and groups, and ethical strategies for selecting, administering, and
13 interpreting assessment instruments and techniques in counseling.

14 (F) Multicultural counseling theories and techniques, including
15 counselors' roles in developing cultural self-awareness, identity
16 development, promoting cultural social justice, individual and
17 community strategies for working with and advocating for diverse
18 populations, and counselors' roles in eliminating biases and
19 prejudices, and processes of intentional and unintentional
20 oppression and discrimination.

21 (G) Principles of diagnosis, treatment planning, and prevention
22 of mental and emotional disorders and dysfunctional behavior,
23 including the use of the American Psychiatric Association's
24 "Diagnostic and Statistical Manual of Mental Disorders."

25 (H) Research and evaluation, including studies that provide an
26 understanding of research methods, statistical analysis, the use of
27 research to inform evidence-based practice, the importance of
28 research in advancing the profession of counseling, and statistical
29 methods used in conducting research, needs assessment, and
30 program evaluation.

31 (I) Professional orientation, ethics, and law in counseling,
32 including professional ethical standards and legal considerations,
33 licensing law and process, regulatory laws that delineate the
34 profession's scope of practice, counselor-client privilege,
35 confidentiality, the client dangerous to self or others, treatment of
36 minors with or without parental consent, relationship between
37 practitioner's sense of self and human values, functions and
38 relationships with other human service providers, strategies for
39 collaboration, and advocacy processes needed to address

1 institutional and social barriers that impede access, equity, and
2 success for clients.

3 (J) Psychopharmacology, including the biological bases of
4 behavior, the range of current psychopharmacological interventions
5 in terms of mental disorder diagnostic categories, including
6 antidepressants, antianxiety, mood stabilizers, and antipsychotics,
7 the diagnosis and pharmacological treatment of several of the most
8 commonly encountered classes of psychiatric disorders, and
9 clinical, theoretical, and ethical considerations.

10 (K) Substance abuse, cooccurring disorders, and addiction,
11 including major approaches to identification, evaluation, treatment,
12 and prevention of substance abuse and addiction, legal and medical
13 aspects of substance abuse, populations at risk, the role of support
14 persons, support systems, and community resources.

15 (2) A minimum of 12 semester units or 18 quarter units of
16 *advanced* coursework to develop knowledge of specific treatment
17 issues or special populations.

18 (3) Not less than six semester units or nine quarter units of
19 supervised practicum or field study experience, or the equivalent,
20 in a clinical—~~or counseling~~ setting that provides a range of
21 professional counseling experience, including the following:

22 (A) Applied psychotherapeutic techniques.

23 (B) Assessment.

24 (C) Diagnosis.

25 (D) Prognosis.

26 (E) Treatment.

27 (F) Issues of development, adjustment, and maladjustment.

28 (G) Health and wellness promotion.

29 (H) Professional writing including documentation of services,
30 treatment plans, and progress notes.

31 (I) How to find and use resources.

32 (J) Other recognized counseling interventions.

33 (K) A minimum of 280 hours of face-to-face supervised *clinical*
34 experience counseling individuals, families, or groups.

35 (d) The 60 graduate semester units or 90 graduate quarter units
36 of instruction required pursuant to subdivision (c) shall, in addition
37 to meeting the requirements of subdivision (c), include instruction
38 in all of the following:

1 (1) The understanding of human behavior within the social
2 context of socioeconomic status and other contextual issues
3 affecting social position.

4 (2) The understanding of human behavior within the social
5 context of a representative variety of the cultures found within
6 California.

7 (3) Cultural competency and sensitivity, including a familiarity
8 with the racial, cultural, linguistic, and ethnic backgrounds of
9 persons living in California.

10 (4) An understanding of the effects of socioeconomic status on
11 treatment and available resources.

12 (5) Multicultural development and cross-cultural interaction,
13 including experiences of race, ethnicity, class, spirituality, sexual
14 orientation, gender, and disability and their incorporation into the
15 psychotherapeutic process.

16 (6) Case management, systems of care for the severely mentally
17 ill, public and private services for the severely mentally ill,
18 community resources for victims of abuse, disaster and trauma
19 response, advocacy for the severely mentally ill and collaborative
20 treatment. The instruction required in this paragraph may be
21 provided either in credit level coursework or through extension
22 programs offered by the degree-granting institution.

23 (e) A degree program that qualifies for licensure under this
24 section shall do all of the following:

25 (1) Integrate the principles of mental health recovery-oriented
26 care and methods of service delivery in recovery-oriented practice
27 environments.

28 (2) Integrate an understanding of various cultures and the social
29 and psychological implications of socioeconomic position.

30 (3) Provide the opportunity for students to meet with various
31 consumers and family members of consumers of mental health
32 services to enhance understanding of their experience of mental
33 illness, treatment, and recovery.

34 (f) (1) An applicant whose degree is deficient in no more than
35 two of the required areas of study listed in subparagraphs (A) to
36 (K), inclusive, of paragraph (1) of subdivision (c) or in the required
37 number of units pursuant to this section may satisfy the
38 requirements by successfully completing postmaster's or
39 postdoctoral degree coursework at an accredited or approved
40 institution, as defined in Section 4999.12.

1 (2) Coursework taken to meet deficiencies in the required areas
2 of study listed in subparagraphs (A) to (K), inclusive, of paragraph
3 (1) of subdivision (c) shall be the equivalent of three semester units
4 or four and one-half quarter units of study.

5 (3) The board shall make the final determination as to whether
6 a degree meets all requirements, including, but not limited to,
7 course requirements, regardless of accreditation.

8 4999.34. A counselor trainee may be credited with predegree
9 supervised practicum and field study experience completed in a
10 setting that meets all of the following requirements:

11 (a) Lawfully and regularly provides *mental health* counseling
12 and psychotherapy.

13 (b) Provides oversight to ensure that the counselor trainee's
14 work at the setting meets the practicum and field study experience
15 and requirements set forth in this chapter and is within the scope
16 of practice for licensed professional counselors.

17 (c) Is not a private practice.

18 (d) Experience may be gained by the counselor trainee solely
19 as part of the position for which the counselor trainee volunteers
20 or is employed.

21 4999.36. (a) A counselor trainee may perform activities and
22 services provided that the activities and services constitute part of
23 the counselor trainee's supervised course of study and that the
24 person is designated by the title "counselor trainee."

25 (b) All practicum and field study hours gained as a counselor
26 trainee shall be coordinated between the school and the site where
27 hours are being accrued. The school shall approve each site and
28 shall have a written agreement with each site that details each
29 party's responsibilities, including the methods by which supervision
30 shall be provided. The agreement shall provide for regular progress
31 reports and evaluations of the student's performance at the site.

32 (c) If an applicant has gained practicum and field study hours
33 while enrolled in an institution other than the one that confers the
34 qualifying degree, it shall be the applicant's responsibility to
35 provide to the board satisfactory evidence that those practicum
36 and field study hours were gained in compliance with this section.

37 (d) A counselor trainee shall inform each client or patient, prior
38 to performing any professional services, that he or she is unlicensed
39 and under supervision.

1 (e) No hours earned while a counselor trainee may count toward
2 the 3,000 hours of postdegree internship hours.

3 (f) A counselor trainee shall receive at least one hour of
4 individual or triadic supervision and two hours of group supervision
5 for each week the counselor trainee sees clients, for a total of three
6 hours of supervision per week. For purposes of this subdivision,
7 “individual supervision” means face-to-face contact with the
8 supervisor alone, “triadic supervision” means face-to-face contact
9 with the supervisor and one other counselor trainee, and “group
10 supervision” means face-to-face contact with the supervisor in a
11 group of not more than 10 persons.

12 4999.38. (a) All applicants who began graduate study before
13 August 1, 2012, shall complete the following coursework or
14 training prior to registration as an intern:

15 (1) Instruction in alcoholism and other chemical substance
16 dependency as specified by regulation. When coursework in a
17 master’s or doctoral degree program is acquired to satisfy this
18 requirement, it shall be considered as part of the 48 semester unit
19 or 72 quarter unit requirement in subdivision (c) of Section
20 4999.32. This paragraph applies to those individuals who began
21 graduate study on or after January 1, 1986.

22 (2) A minimum of 10 contact hours of training or coursework
23 in human sexuality as specified in Section 25, and any regulations
24 promulgated thereunder. When coursework in a master’s or
25 doctoral degree program is acquired to satisfy this requirement, it
26 shall be considered as part of the 48 semester unit or 72 quarter
27 unit requirement in subdivision (c) of Section 4999.32.

28 (3) A two semester unit or three quarter unit survey course in
29 psychopharmacology. This paragraph applies to individuals who
30 began graduate study on or after January 1, 2001.

31 (4) Coursework in spousal or partner abuse assessment,
32 detection, and intervention strategies, including knowledge of
33 community resources, cultural factors, and same gender abuse
34 dynamics. This paragraph shall apply to individuals who began
35 graduate study on or after January 1, 1995. Applicants who began
36 graduate study on or after January 1, 2004, shall complete a
37 minimum of 15 contact hours of coursework to satisfy this
38 requirement.

1 (5) A minimum of seven contact hours of training or coursework
2 in child abuse assessment and reporting as specified in Section 28
3 and any regulations adopted thereunder.

4 (6) A minimum of two semester unit or three quarter units in
5 California law and professional ethics for professional counselors,
6 which shall include, but not be limited to, the following areas of
7 study:

8 (A) Contemporary professional ethics and statutory, regulatory,
9 and decisional law that delineates the profession's scope of
10 practice.

11 (B) The therapeutic, clinical, and practical considerations
12 involved in the legal and ethical practice of professional counseling.

13 (C) The current legal patterns and trends in the mental health
14 professions.

15 (D) The psychotherapist-client privilege, confidentiality, the
16 client dangerous to self or others, and the treatment of minors with
17 and without parental consent.

18 (E) A recognition and exploration of the relationship between
19 a practitioner's sense of self and human values and his or her
20 professional behavior and ethics.

21 (7) A minimum of 10 contact hours of coursework in aging and
22 long-term care, which may include, but is not limited to, the
23 biological, social, and psychological aspects of aging. This
24 paragraph shall apply to individuals who began graduate study on
25 or after January 1, 2004.

26 (b) Coursework taken in fulfillment of other educational
27 requirements for licensure as a professional counselor, or in a
28 separate course of study, may, at the discretion of the board, fulfill
29 the requirements of subdivision (a).

30 4999.39. (a) All applicants who began graduate school on or
31 after August 1, 2012, shall complete the following coursework or
32 training prior to registration as an intern:

33 (1) A minimum of 10 contact hours of training or coursework
34 in human sexuality as specified in Section 25, and any regulations
35 promulgated thereunder. When coursework in a master's or
36 doctoral degree program is acquired to satisfy this requirement, it
37 shall be considered as part of the 60 semester unit or 90 quarter
38 unit requirement in subdivision (c) of Section 4999.33.

39 (2) A minimum of 15 hours of coursework in spousal or partner
40 abuse assessment, detection, and intervention strategies, including

1 knowledge of community resources, cultural factors, and same
2 gender abuse dynamics.

3 (3) A minimum of seven contact hours of training or coursework
4 in child abuse assessment and reporting as specified in Section 28
5 and any regulations adopted thereunder.

6 (4) A minimum of two semester units or three quarter units in
7 California law and professional ethics for professional counselors,
8 which shall include, but not be limited to, the following areas of
9 study:

10 (A) Contemporary professional ethics and statutory, regulatory,
11 and decisional law that delineates the profession's scope of
12 practice.

13 (B) The therapeutic, clinical, and practical considerations
14 involved in the legal and ethical practice of professional counseling.

15 (C) The current legal patterns and trends in the mental health
16 profession.

17 (D) The psychotherapist-client privilege, confidentiality, the
18 client dangerous to self or others, and the treatment of minors with
19 and without parental consent.

20 (E) A recognition and exploration of the relationship between
21 a practitioner's sense of self and human values and his or her
22 professional behavior and ethics.

23 (5) A minimum of 10 contact hours of coursework in aging and
24 long-term care, which may include, but is not limited to, the
25 biological, social, and psychological aspects of aging.

26 (b) Coursework taken in fulfillment of other educational
27 requirements for licensure as a professional counselor, or in a
28 separate course of study, may, at the discretion of the board, fulfill
29 the requirements of subdivision (a).

30 4999.40. (a) Each educational institution preparing applicants
31 to qualify for licensure shall notify each of its students by means
32 of its public documents or otherwise in writing that its degree
33 program is designed to meet the requirements of Section 4999.32
34 or 4999.33 and shall certify to the board that it has so notified its
35 students.

36 (b) An applicant trained at an educational institution outside the
37 United States shall demonstrate to the satisfaction of the board
38 that he or she possesses a qualifying degree that is equivalent to a
39 degree earned from an institution of higher education that is
40 accredited or approved. These applicants shall provide the board

1 with a comprehensive evaluation of the degree performed by a
2 foreign credential evaluation service that is a member of the
3 National Association of Credential Evaluation Services and shall
4 provide any other documentation the board deems necessary.

5 4999.42. (a) To qualify for registration as an intern, an
6 applicant shall have all of the following qualifications:

7 (1) The applicant shall have earned a master's or doctoral degree
8 as specified in Section 4999.32 or 4999.33, as applicable, and shall
9 have completed the coursework or training specified in Section
10 4999.38 or 4999.39, as applicable.

11 (2) The applicant shall not have committed acts or crimes
12 constituting grounds for denial of licensure under Section 480.

13 (3) The board shall not issue a registration to any person who
14 has been convicted of a crime in this or another state or in a
15 territory of the United States that involves sexual abuse of children
16 or who is required to register pursuant to Section 290 of the Penal
17 Code or the equivalent in another state or territory.

18 (b) The board shall begin accepting applications for intern
19 registration on January 1, 2010.

20 4999.44. (a) An intern may be credited with supervised
21 experience completed in any setting that meets all of the following
22 requirements:

23 ~~(1)~~

24 (a) Lawfully and regularly provides *mental health* counseling
25 or psychotherapy.

26 ~~(2)~~

27 (b) Provides oversight to ensure that the intern's work at the
28 setting meets the experience and supervision requirements set forth
29 in this chapter and is within the scope of practice for the profession
30 as specified in Article 2 (commencing with Section 4999.20).

31 ~~(3)~~

32 (c) Experience may be gained by the intern solely as part of the
33 position for which the intern volunteers or is employed.

34 ~~(4)~~

35 (d) An intern shall not be employed or volunteer in a private
36 practice until registered as an intern.

37 4999.45. An intern employed under this chapter shall:

38 (a) Not perform any duties, except for those services provided
39 as a counselor trainee, until registered as an intern.

1 (b) Not be employed or volunteer in a private practice until
2 registered as an intern.

3 (c) Inform each client prior to performing any professional
4 services that he or she is unlicensed and under supervision.

5 (d) File for renewal annually for a maximum of five years after
6 initial registration with the board.

7 (e) Cease continued employment as an intern after six years
8 unless the requirements of subdivision (f) are met.

9 (f) When no further renewals are possible, an applicant may
10 apply for and obtain a new intern registration if the applicant meets
11 the educational requirements for registration in effect at the time
12 of the application for a new intern registration. An applicant issued
13 a subsequent intern registration pursuant to this subdivision may
14 be employed or volunteer in any allowable work setting except
15 private practice.

16 4999.46. (a) Each applicant for licensure shall complete
17 *clinical mental health* experience under the general supervision
18 of an approved supervisor as defined in Section 4999.12.

19 (b) The experience shall include the following:

20 (1) A minimum of 3,000 postdegree hours of supervised *clinical*
21 *mental health* experience related to the practice of professional
22 counseling, performed over a period of not less than two years
23 (104 weeks) which shall include:

24 (A) Not more than 40 hours in any seven consecutive days.

25 (B) Not less than 1,750 hours of direct counseling with
26 individuals or groups in a clinical-~~or~~ *mental health* counseling
27 setting using a variety of psychotherapeutic techniques and
28 recognized counseling interventions within the scope of practice
29 of licensed professional counselors.

30 (C) Not less than 150 hours of *clinical* experience in a hospital
31 or community mental health setting.

32 (D) Not more than 1,000 hours of direct supervisor contact and
33 professional enrichment activities.

34 (E) Not more than 500 hours of experience providing group
35 therapy or group counseling.

36 (F) Not more than 250 hours of experience administering and
37 evaluating psychological tests of counselees, writing clinical
38 reports, writing progress notes, or writing process notes.

39 (G) Not more than 250 hours of experience providing counseling
40 or crisis counseling on the telephone.

1 (H) No hours of *clinical mental health* experience may be gained
2 more than six years prior to the date the application for licensure
3 was filed.

4 (c) An applicant shall register with the board as an intern in
5 order to be credited for postdegree hours of experience toward
6 licensure. Postdegree hours of experience shall be credited toward
7 licensure, provided that the applicant applies for intern registration
8 within 90 days of the granting of the qualifying degree and is
9 registered as an intern by the board.

10 (d) All applicants and interns shall be at all times under the
11 supervision of a supervisor who shall be responsible for ensuring
12 that the extent, kind, and quality of counseling performed is
13 consistent with the training and experience of the person being
14 supervised, and who shall be responsible to the board for
15 compliance with all laws, rules, and regulations governing the
16 practice of professional counseling. At no time shall a supervisor
17 supervise more than two interns.

18 (e) Supervision shall include at least one hour of direct
19 supervisor contact in each week for which experience is credited
20 in each work setting.

21 (1) No more ~~than~~ than five hours of supervision, whether
22 individual or group, shall be credited during any single week.

23 (2) An intern shall receive an average of at least one hour of
24 direct supervisor contact for every 10 hours of client contact in
25 each setting.

26 (3) For purposes of this section, “one hour of direct supervisor
27 contact” means one hour of face-to-face contact on an individual
28 basis or two hours of face-to-face contact in a group of not more
29 than eight persons.

30 4999.47. (a) Counselor trainees, interns, and applicants shall
31 perform services as an employee or as a volunteer, not as an
32 independent contractor.

33 The requirements of this chapter regarding gaining hours of
34 *clinical mental health* experience and supervision are applicable
35 equally to employees and volunteers.

36 (b) Counselor trainees, interns, and applicants shall not receive
37 any remuneration from patients or clients, and shall only be paid
38 by their employers.

39 (c) While an intern may be either a paid employee or a volunteer,
40 employers are encouraged to provide fair remuneration.

(d) Counselor trainees, interns, and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those counselor trainees, interns, and applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor.

(e) The board may audit an intern or applicant who receives reimbursement for expenses and the intern or applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(f) Counselor trainees, interns, and applicants shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and supervisor in compliance with the laws and regulations pertaining to supervision. Counselor trainees, interns, and applicants shall have no proprietary interest in the employer's business.

(g) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and counselor trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

4999.48. The board shall adopt regulations regarding the supervision of interns which may include, but not be limited to, the following:

- (a) Supervisor qualifications.
- (b) Continuing education requirements of supervisors.
- (c) Registration or licensing of supervisors, or both.
- (d) General responsibilities of supervisors.
- (e) The board's authority in cases of noncompliance or gross or repeated negligence by supervisors.

1 4999.50. (a) The board may issue a professional counselor
2 license to any person who meets all of the following requirements:

3 (1) He or she has received a master's or doctoral degree
4 described in Section 4999.32 or 4999.33, as applicable.

5 (2) He or she has completed 3,000 hours of supervised
6 experience in the practice of professional counseling as provided
7 in Section 4999.46.

8 (3) He or she provides evidence of a passing score, as
9 determined by the board, on examinations approved by the board.

10 (4) He or she meets the board's regulatory requirements for
11 professional counselor licensure, including the following:

12 (A) The applicant has not committed acts or crimes constituting
13 grounds for denial of licensure under Section 480.

14 (B) The board shall not issue a license to any person who has
15 been convicted of a crime in this or another state or in a territory
16 of the United States that involves sexual abuse of children or who
17 is required to register pursuant to Section 290 of the Penal Code
18 or the equivalent in another state or territory.

19 (C) He or she has passed a fingerprint check by submitting Live
20 Scan fingerprint images to the Department of Justice.

21 (b) The board may issue a license to any person who, at the time
22 of application, has held for at least two years, a valid license as a
23 professional counselor, or an equivalent title, in another jurisdiction
24 of the United States, if the education and supervised experience
25 requirements are substantially equivalent to this chapter, and the
26 person has successfully completed the examinations as specified
27 in paragraph (3) of subdivision (a) and has paid the required fees.

28 (c) An applicant who has satisfied the requirements of this
29 chapter shall be issued a license as a professional counselor in the
30 form that the board may deem appropriate.

31 (d) The board shall begin accepting applications for licensure
32 on January 1, 2011.

33 4999.52. (a) Every applicant for a license as a professional
34 counselor shall be examined by the board pursuant to paragraph
35 (3) of subdivision (a) of Section 4999.50. The board shall examine
36 the candidate with regard to his or her knowledge and professional
37 skills and his or her judgment in the utilization of appropriate
38 techniques and methods.

39 (b) The examinations shall be given at least twice a year at a
40 time and place and under supervision as the board may determine.

(c) (1) It is the intent of the Legislature that national licensing examinations, such as the National Counselor Examination for Licensure and Certification (NCE) and the National Clinical Mental Health Counselor Examination (NCMHCE), be evaluated by the board as requirements for licensure as a professional counselor.

(2) The board shall evaluate various national examinations in order to determine whether they meet the prevailing standards for the validation and use of licensing and certification tests in California.

(3) Examinations shall measure knowledge and abilities demonstrably important to the safe, effective practice of the profession.

(4) If national examinations do not meet the standards specified in paragraph (2), then the board may develop and require a supplemental examination in addition to national examinations. Under these circumstances, national examinations, as well as a supplemental examination developed by the board, are required for licensure as a professional counselor pursuant to paragraph (3) of subdivision (a) of Section 4999.50 and this section.

(5) *The licensing examinations shall also incorporate a California jurisprudence and ethics examination element that is acceptable to the board, or, as an alternative, the board may develop a separate California jurisprudence and ethics examination.*

(d) The board shall not deny any applicant who has submitted a complete application for examination admission to the licensure examinations required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(e) The board shall not deny any applicant whose application for licensure is complete, admission to the examinations, nor shall the board postpone or delay any applicant's examinations or delay informing the candidate of the results of the examinations, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(f) If an applicant for examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the examinations, but

1 may notify the applicant that licensure will not be granted pending
2 completion of the investigation.

3 (g) Notwithstanding Section 135, the board may deny any
4 applicant who has previously failed an examination permission to
5 retake that examination pending completion of the investigation
6 of any complaints against the applicant.

7 (h) Nothing in this section shall prohibit the board from denying
8 an applicant admission to any examination, withholding the results,
9 or refusing to issue a license to any applicant when an accusation
10 or statement of issues has been filed against the applicant pursuant
11 to Section 11503 or 11504 of the Government Code, respectively,
12 or the applicant has been denied in accordance with subdivision
13 (b) of Section 485.

14 (i) Notwithstanding any other provision of law, the board may
15 destroy all examination materials two years following the date of
16 an examination.

17 4999.54. Notwithstanding Section 4999.50, the board may
18 issue a license to any person who submits an application for a
19 license between October 1, 2009, and March 31, 2010, provided
20 that all documentation is submitted within 12 months of the board's
21 evaluation of the application, and provided he or she meets one of
22 the following sets of criteria:

23 (a) He or she meets all of the following requirements:

24 (1) Has a master's or doctoral degree from a school, college, or
25 university as specified in Section 4999.32, that is counseling or
26 psychotherapy in content. If the person's degree does not include
27 all the graduate coursework in all nine subject areas as required
28 by paragraph (1) of subdivision (c) of Section 4999.32, a person
29 shall provide documentation that he or she has completed the
30 required coursework prior to licensure. A qualifying degree must
31 include the supervised practicum or field study experience as
32 required in paragraph (3) of subdivision (c) of Section 4999.32.

33 (A) A counselor educator whose degree contains at least seven
34 of the nine required ~~courses~~ *subject areas* shall be given credit for
35 ~~a course~~ *coursework* not contained in the degree if the counselor
36 educator provides documentation that he or she has taught the
37 equivalent of the required ~~course~~ *subject areas* in a graduate
38 program in counseling or a related area.

39 (B) Degrees issued prior to 1996 shall include a minimum of
40 30 semester units or 45 quarter units and at least five of the nine

1 required—~~courses~~ *core areas* specified in paragraph (1) of
2 subdivision (c) of Section 4999.32. The total number of units shall
3 be no less than 48 semester units or 72 quarter units.

4 (C) Degrees issued in 1996 and after shall include a minimum
5 of 48 semester units or 72 quarter units and at least seven of the
6 ~~nine—courses~~ *core areas* specified in paragraph (1) of subdivision
7 (c) of Section 4999.32.

8 (2) Additional coursework as required by Section 4999.38.

9 (3) Has at least two years, full-time or the equivalent, postdegree
10 counseling experience, that includes at least ~~1,500 hours of direct~~
11 ~~client contact experience~~ *1,700 hours of experience in a clinical*
12 *setting* supervised by a licensed marriage and family therapist, a
13 licensed clinical social worker, a licensed psychologist, a licensed
14 physician and surgeon specializing in psychiatry, or a master's
15 level counselor or therapist who is certified by a national certifying
16 or registering organization, including, but not limited to, the
17 National Board for Certified Counselors or the Commission on
18 Rehabilitation Counselor Certification.

19 (4) Has a passing score on the following examinations:

20 (A) The National Counselor Examination for Licensure and
21 Certification or the Certified Rehabilitation Counselor
22 Examination.

23 (B) The National Clinical Mental Health Counselor
24 Examination.

25 (C) A California jurisprudence and ethics examination, when
26 developed by the board.

27 (b) Is currently licensed as a marriage and family therapist in
28 the State of California and meets the coursework requirements
29 described in paragraph (1) of subdivision (a).

30 (c) Is currently licensed as a clinical social worker in the State
31 of California and meets the coursework requirements described in
32 paragraph (1) of subdivision (a).

33 4999.56. (a) A license issued under subdivision (a) of Section
34 4999.54 shall be issued on or before December 1, 2010. That
35 license shall be valid for six years from the issuance date of the
36 initial license provided that the license is annually renewed during
37 that period pursuant to Section 4999.101. After this six-year period,
38 it shall be canceled unless the licensee does both of the following
39 within the next renewal period:

40 (1) Obtains a licensure renewal as provided in Section 4999.101.

1 (2) Passes the examinations required for licensure on or after
2 July 1, 2010, as set forth in Section 4999.52, or documents that he
3 or she has already passed those examinations.

4 (b) Upon failure to meet the requirements set forth in this
5 section, a license issued pursuant to subdivision (a) of Section
6 4999.54 shall be canceled and the person shall be required to meet
7 the requirements listed in Section 4999.50 to obtain a new license.

8 (c) This section shall remain in effect only until January 1, 2017,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2017, deletes or extends that date.

11
12 Article 4. Practice Requirements
13

14 4999.70. A licensee shall display his or her license in a
15 conspicuous place in his or her primary place of practice.

16 4999.72. Any licensed professional counselor who conducts a
17 private practice under a fictitious business name shall not use any
18 name that is false, misleading, or deceptive, and shall inform the
19 patient, prior to the commencement of treatment, the name and
20 license designation of the owner or owners of the practice.

21 4999.74. Licensed professional counselors shall provide to
22 each client accurate information about the counseling relationship
23 and the counseling process.

24 4999.76. (a) (1) Except as provided in paragraph (2) and
25 subdivision (c), the board shall not renew any license pursuant to
26 this chapter unless the applicant certifies to the board, on a form
27 prescribed by the board, that he or she has completed not less than
28 36 hours of approved continuing education in or relevant to the
29 field of professional counseling in the preceding two years, as
30 determined by the board.

31 (2) Except as provided in subdivision (c), the board shall not
32 renew a license issued pursuant to subdivision (a) of Section
33 4999.54 unless the applicant certifies to the board, on a form
34 prescribed by the board, that he or she has completed not less than
35 18 hours of approved continuing education in or relevant to the
36 field of professional counseling in the preceding year, as
37 determined by the board. This paragraph shall become inoperative
38 on January 1, 2017.

39 (b) The board shall have the right to audit the records of any
40 applicant to verify the completion of the continuing education

1 requirement. Applicants shall maintain records of completed
2 continuing education coursework for a minimum of two years and
3 shall make these records available to the board for auditing
4 purposes upon request.

5 (c) The board may establish exceptions from the continuing
6 education requirement of this section for good cause, as defined
7 by the board.

8 (d) The continuing education shall be obtained from one of the
9 following sources:

10 (1) A school, college, or university that is accredited or
11 approved, as defined in Section 4999.12. Nothing in this paragraph
12 shall be construed as requiring coursework to be offered as part
13 of a regular degree program.

14 (2) Other continuing education providers, including, but not
15 limited to, a professional counseling association, a licensed health
16 facility, a governmental entity, a continuing education unit of a
17 four-year institution of higher learning that is accredited or
18 approved, or a mental health professional association, approved
19 by the board.

20 (e) The board shall establish, by regulation, a procedure for
21 approving providers of continuing education courses, and all
22 providers of continuing education, as described in paragraphs (1)
23 and (2) of subdivision (d), shall adhere to procedures established
24 by the board. The board may revoke or deny the right of a provider
25 to offer continuing education coursework pursuant to this section
26 for failure to comply with the requirements of this section or any
27 regulation adopted pursuant to this section.

28 (f) Training, education, and coursework by approved providers
29 shall incorporate one or more of the following:

30 (1) Aspects of the discipline that are fundamental to the
31 understanding or the practice of professional counseling.

32 (2) Significant recent developments in the discipline of
33 professional counseling.

34 (3) Aspects of other disciplines that enhance the understanding
35 or the practice of professional counseling.

36 (g) A system of continuing education for licensed professional
37 counselors shall include courses directly related to the diagnosis,
38 assessment, and treatment of the client population being served.

39 (h) The board shall, by regulation, fund the administration of
40 this section through continuing education provider fees to be

1 deposited in the Behavioral Sciences Fund. The fees related to the
2 administration of this section shall be sufficient to meet, but shall
3 not exceed, the costs of administering the corresponding provisions
4 of this section. For the purposes of this subdivision, a provider of
5 continuing education as described in paragraph (1) of subdivision
6 (d) shall be deemed to be an approved provider.

7 (i) The continuing education requirements of this section shall
8 fully comply with the guidelines for mandatory continuing
9 education established by the Department of Consumer Affairs
10 pursuant to Section 166.

11
12 Article 5. Enforcement

13
14 4999.80. In order to carry out the provisions of this chapter,
15 the board shall do all of the following:

16 (a) Enforce laws designed to protect the public from
17 incompetent, unethical, or unprofessional practitioners.

18 (b) Investigate complaints concerning the conduct of any
19 licensed professional counselor.

20 (c) Revoke, suspend, or fail to renew a license that it has
21 authority to issue for just cause, as enumerated in rules and
22 regulations of the board. The board may deny, suspend, or revoke
23 any license granted under this chapter pursuant to Section 480,
24 481, 484, 496, 498, or 499.

25 4999.82. It shall be unlawful for any person to engage in any
26 of the following acts:

27 (a) Engage in the practice of professional counseling, as defined
28 in Section 4999.20, without first having complied with the
29 provisions of this chapter and without holding a valid license as
30 required by this chapter.

31 (b) Represent himself or herself by the title “licensed
32 professional counselor,” “LPC,” “licensed counselor,” or
33 “professional counselor” without being duly licensed according
34 to the provisions of this chapter.

35 (c) Make any use of any title, words, letters, or abbreviations,
36 that may reasonably be confused with a designation provided by
37 this chapter to denote a standard of professional or occupational
38 competence without being duly licensed.

39 (d) Materially refuse to furnish the board information or records
40 required or requested pursuant to this chapter.

1 4999.84. It is the intent of the Legislature that any
2 communication made by a person to a licensed professional
3 counselor in the course of professional services shall be deemed
4 a privileged communication.

5 4999.86. Any person who violates any of the provisions of this
6 chapter is guilty of a misdemeanor punishable by imprisonment
7 in the county jail not exceeding six months, or by a fine not
8 exceeding two thousand five hundred dollars (\$2,500), or by both
9 that fine and imprisonment.

10 4999.88. In addition to other proceedings provided in this
11 chapter, whenever any person has engaged, or is about to engage,
12 in any acts or practices that constitute, or will constitute, an offense
13 against this chapter, the superior court in and for the county
14 wherein the acts or practices take place, or are about to take place,
15 may issue an injunction, or other appropriate order, restraining
16 such conduct on application of the board, the Attorney General,
17 or the district attorney of the county.

18 The proceedings under this section shall be governed by Chapter
19 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
20 of Civil Procedure.

21 4999.90. The board may refuse to issue any registration or
22 license, or may suspend or revoke the registration or license of
23 any intern or licensed professional counselor, if the applicant,
24 licensee, or registrant has been guilty of unprofessional conduct.
25 Unprofessional conduct includes, but is not limited to, the
26 following:

27 (a) The conviction of a crime substantially related to the
28 qualifications, functions, or duties of a licensee or registrant under
29 this chapter. The record of conviction shall be conclusive evidence
30 only of the fact that the conviction occurred. The board may inquire
31 into the circumstances surrounding the commission of the crime
32 in order to fix the degree of discipline or to determine if the
33 conviction is substantially related to the qualifications, functions,
34 or duties of a licensee or registrant under this chapter. A plea or
35 verdict of guilty or a conviction following a plea of nolo contendere
36 made to a charge substantially related to the qualifications,
37 functions, or duties of a licensee or registrant under this chapter
38 shall be deemed to be a conviction within the meaning of this
39 section. The board may order any license or registration suspended
40 or revoked, or may decline to issue a license or registration when

1 the time for appeal has elapsed, or the judgment of conviction has
2 been affirmed on appeal, or, when an order granting probation is
3 made suspending the imposition of sentence, irrespective of a
4 subsequent order under Section 1203.4 of the Penal Code allowing
5 the person to withdraw a plea of guilty and enter a plea of not
6 guilty, or setting aside the verdict of guilty, or dismissing the
7 accusation, information, or indictment.

8 (b) Securing a license or registration by fraud, deceit, or
9 misrepresentation on any application for licensure or registration
10 submitted to the board, whether engaged in by an applicant for a
11 license or registration, or by a licensee in support of any application
12 for licensure or registration.

13 (c) Administering to himself or herself any controlled substance
14 or using any of the dangerous drugs specified in Section 4022, or
15 any alcoholic beverage to the extent, or in a manner, as to be
16 dangerous or injurious to the person applying for a registration or
17 license or holding a registration or license under this chapter, or
18 to any other person, or to the public, or, to the extent that the use
19 impairs the ability of the person applying for or holding a
20 registration or license to conduct with safety to the public the
21 practice authorized by the registration or license, or the conviction
22 of more than one misdemeanor or any felony involving the use,
23 consumption, or self-administration of any of the substances
24 referred to in this subdivision, or any combination thereof. The
25 board shall deny an application for a registration or license or
26 revoke the license or registration of any person, other than one
27 who is licensed as a physician and surgeon, who uses or offers to
28 use drugs in the course of performing licensed professional
29 counseling services.

30 (d) Gross negligence or incompetence in the performance of
31 licensed professional counseling services.

32 (e) Violating, attempting to violate, or conspiring to violate any
33 of the provisions of this chapter or any regulation adopted by the
34 board.

35 (f) Misrepresentation as to the type or status of a license or
36 registration held by the person, or otherwise misrepresenting or
37 permitting misrepresentation of his or her education, professional
38 qualifications, or professional affiliations to any person or entity.

39 (g) Impersonation of another by any licensee, registrant, or
40 applicant for a license or registration, or, in the case of a licensee

1 or registrant, allowing any other person to use his or her license
2 or registration.

3 (h) Aiding or abetting, or employing, directly or indirectly, any
4 unlicensed or unregistered person to engage in conduct for which
5 a license or registration is required under this chapter.

6 (i) Intentionally or recklessly causing physical or emotional
7 harm to any client.

8 (j) The commission of any dishonest, corrupt, or fraudulent act
9 substantially related to the qualifications, functions, or duties of a
10 licensee or registrant.

11 (k) Engaging in sexual relations with a client, or a former client
12 within two years following termination of therapy, soliciting sexual
13 relations with a client, or committing an act of sexual abuse, or
14 sexual misconduct with a client, or committing an act punishable
15 as a sexually related crime, if that act or solicitation is substantially
16 related to the qualifications, functions, or duties of a licensed
17 professional counselor.

18 (l) Performing, or holding oneself out as being able to perform,
19 or offering to perform, or permitting any counselor trainee or intern
20 under supervision to perform, any professional services beyond
21 the scope of the license authorized by this chapter.

22 (m) Failure to maintain confidentiality, except as otherwise
23 required or permitted by law, of all information that has been
24 received from a client in confidence during the course of treatment
25 and all information about the client which is obtained from tests
26 or other means.

27 (n) Prior to the commencement of treatment, failing to disclose
28 to the client or prospective client the fee to be charged for the
29 professional services, or the basis upon which that fee will be
30 computed.

31 (o) Paying, accepting, or soliciting any consideration,
32 compensation, or remuneration, whether monetary or otherwise,
33 for the referral of professional clients. All consideration,
34 compensation, or remuneration shall be in relation to professional
35 counseling services actually provided by the licensee. Nothing in
36 this subdivision shall prevent collaboration among two or more
37 licensees in a case or cases. However, no fee shall be charged for
38 that collaboration, except when disclosure of the fee has been made
39 in compliance with subdivision (n).

1 (p) Advertising in a manner that is false, misleading, or
2 deceptive.

3 (q) Reproduction or description in public, or in any publication
4 subject to general public distribution, of any psychological test or
5 other assessment device, the value of which depends in whole or
6 in part on the naivete of the subject, in ways that might invalidate
7 the test or device.

8 (r) Any conduct in the supervision of any intern or counselor
9 trainee by any licensee that violates this chapter or any rules or
10 regulations adopted by the board.

11 (s) Performing or holding oneself out as being able to perform
12 professional services beyond the scope of one's competence, as
13 established by one's education, training, or experience. This
14 subdivision shall not be construed to expand the scope of the
15 license authorized by this chapter.

16 (t) Permitting a counselor trainee or intern under one's
17 supervision or control to perform, or permitting the counselor
18 trainee or intern to hold himself or herself out as competent to
19 perform, professional services beyond the counselor trainee's or
20 intern's level of education, training, or experience.

21 (u) The violation of any statute or regulation of the standards
22 of the profession, and the nature of the services being rendered,
23 governing the gaining and supervision of experience required by
24 this chapter.

25 (v) Failure to keep records consistent with sound clinical
26 judgment, the standards of the profession, and the nature of the
27 services being rendered.

28 (w) Failure to comply with the child abuse reporting
29 requirements of Section 11166 of the Penal Code.

30 (x) Failing to comply with the elder and dependent adult abuse
31 reporting requirements of Section 15630 of the Welfare and
32 Institutions Code.

33 (y) Repeated acts of negligence.
34

35 Article 6. Revenue

36
37 4999.100. (a) An intern registration shall expire one year from
38 the last day of the month in which it was issued.

39 (b) To renew a registration, the registrant shall, on or before the
40 expiration date of the registration, do the following:

1 (1) Apply for a renewal on a form prescribed by the board.

2 (2) Pay a renewal fee prescribed by the board.

3 (3) Notify the board whether he or she has been convicted, as
4 defined in Section 490, of a misdemeanor or felony, or whether
5 any disciplinary action has been taken by any regulatory or
6 licensing board in this or any other state, subsequent to the
7 registrant's last renewal.

8 4999.101. (a) A license issued under subdivision (a) of Section
9 4999.54 shall expire one year from the last day of the month during
10 which it was issued.

11 (b) To renew an unexpired license, the licensee, on or before
12 the expiration date of the license, shall do all of the following:

13 (1) Apply for renewal on a form prescribed by the board.

14 (2) Pay a renewal fee prescribed by the board.

15 (3) Certify compliance with the continuing education
16 requirements set forth in Section 4999.76.

17 (4) Notify the board whether he or she has been convicted, as
18 defined in Section 490, of a misdemeanor or felony, or whether
19 any disciplinary action has been taken by any regulatory or
20 licensing board in this or any other state, subsequent to the
21 licensee's last renewal.

22 (c) The board shall begin accepting applications for licensure
23 renewal on January 1, 2011.

24 (d) If a license issued under subdivision (a) of Section ~~4999.64~~
25 4999.54 is not renewed on or before the expiration date of the
26 license, the license shall be cancelled and the person shall be
27 required to meet the requirements set forth in Section 4999.50 in
28 order to obtain a new license.

29 (e) This section shall remain in effect only until January 1, 2017,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2017, deletes or extends that date.

32 4999.102. (a) Licenses issued under Section 4999.50 or
33 subdivision (b) or (c) of Section 4999.54 and, on and after January
34 1, 2017, licenses issued under subdivision (a) of Section 4999.54
35 shall expire no more than 24 months after the issue date. The
36 expiration date of the original license shall be set by the board.

37 (b) To renew an unexpired license, the licensee, on or before
38 the expiration date of the license, shall do all of the following:

39 (1) Apply for a renewal on a form prescribed by the board.

40 (2) Pay a two-year renewal fee prescribed by the board.

1 (3) Certify compliance with the continuing education
2 requirements set forth in Section 4999.76.

3 (4) Notify the board whether he or she has been convicted, as
4 defined in Section 490, of a misdemeanor or felony, or whether
5 any disciplinary action has been taken by any regulatory or
6 licensing board in this or any other state, subsequent to the
7 licensee's last renewal.

8 4999.104. Licenses issued under Section 4999.50 or subdivision
9 (b) or (c) of Section 4999.54 and, on and after January 1, 2017,
10 licenses issued under subdivision (a) of Section 4999.54 that have
11 expired may be renewed at any time within three years of
12 expiration. To renew an expired license, the licensee shall do all
13 of the following:

14 (a) File an application for renewal on a form prescribed by the
15 board.

16 (b) Pay all fees that would have been paid if the license had not
17 become delinquent.

18 (c) Pay all delinquency fees.

19 (d) Certify compliance with the continuing education
20 requirements set forth in Section 4999.76.

21 (e) Notify the board whether he or she has been convicted, as
22 defined in Section 490, of a misdemeanor or felony, or whether
23 any disciplinary action has been taken by any regulatory or
24 licensing board in this or any other state, subsequent to the
25 licensee's last renewal.

26 4999.106. A license that is not renewed within three years after
27 its expiration may not be renewed, restored, reinstated, or reissued,
28 except that a former licensee may apply for and obtain a new
29 license if he or she complies with all of the following:

30 (a) No fact, circumstance, or condition exists that, if the license
31 were issued, would justify its revocation or suspension.

32 (b) He or she takes and passes the current examinations required
33 for licensing.

34 (c) He or she submits an application for initial licensure.

35 4999.108. A suspended license is subject to expiration and
36 shall be renewed as provided in this article, but that renewal does
37 not entitle the licensee, while it remains suspended and until it is
38 reinstated, to engage in the activity to which the license relates, or
39 in any other activity or conduct in violation of the order or
40 judgment by which it was suspended.

1 4999.110. A revoked license is subject to expiration as provided
2 in this article, but it may not be renewed. If it is reinstated after its
3 expiration, the licensee shall, as a condition precedent to its
4 reinstatement, pay a reinstatement fee in an amount equal to the
5 renewal fee in effect on the last regular renewal date before the
6 date on which it is reinstated, plus the delinquency fee, if any,
7 accrued at the time of its revocation.

8 4999.112. (a) A licensed professional counselor may apply to
9 the board to request that his or her license be placed on inactive
10 status. A licensee who holds an inactive license shall do all of the
11 following:

- 12 (1) Pay a biennial fee of one-half of the active renewal fee.
- 13 (2) Be exempt from continuing education requirements.
- 14 (3) Not engage in the practice of professional counseling in this
15 state.
- 16 (4) Otherwise be subject to this chapter.

17 (b) A licensee on inactive status may have his or her license
18 reactivated by complying with all of the following:

- 19 (1) Submitting a request to the board.
- 20 (2) Certifying that he or she has not committed any acts or
21 crimes constituting grounds for denial of licensure.
- 22 (3) Paying the remaining one-half of the renewal fee.
- 23 (4) Completing the following continuing education requirements:
24 (A) Eighteen hours of continuing education is required within
25 the two years preceding the date of the request for reactivation if
26 the license will expire less than one year from the date of the
27 request for reactivation.
- 28 (B) Thirty-six hours of continuing education is required within
29 the two years preceding the date of the request for reactivation if
30 the license will expire more than one year from the date of the
31 request for reactivation.

32 4999.114. The board shall report each month to the Controller
33 the amount and source of all revenue received pursuant to this
34 chapter and at the same time deposit the entire amount thereof in
35 the State Treasury for credit to the Behavioral Sciences Fund.

36 4999.116. (a) The moneys credited to the Behavioral Sciences
37 Fund under Section 4999.114 shall, upon appropriation by the
38 Legislature, be used for the purposes of carrying out and enforcing
39 the provisions of this chapter.

1 (b) The board shall keep records that will reasonably ensure
2 that funds expended in the administration of each licensing or
3 registration category bear a reasonable relation to the revenue
4 derived from each category, and shall so notify the department no
5 later than May 31 of each year.

6 (c) Surpluses, if any, may be used in a way so as to bear a
7 reasonable relation to the revenue derived from each category, and
8 may include, but not be limited to, expenditures for education and
9 research related to each of the licensing or registration categories.

10 4999.118. A licensee or registrant shall give written notice to
11 the board of a name change within 30 days after each change,
12 giving both the old and new names. A copy of the legal document
13 authorizing the name change, such as a court order or marriage
14 certificate, shall be submitted with the notice.

15 4999.120. The board shall assess fees for the application for
16 and the issuance and renewal of licenses and for the registration
17 of interns to cover administrative and operating expenses of the
18 board related to this chapter.

19 4999.122. The professional counselor licensing program shall
20 be supported from fees assessed to applicants, interns, and
21 licensees. Startup funds to implement this program shall be derived,
22 as a loan, from the reserve fund of the Board of Behavioral
23 Sciences, subject to an appropriation by the Legislature in the
24 annual Budget Act. The board shall not be required to implement
25 this chapter until funds have been appropriated.

26 SEC. 5. Section 11165.7 of the Penal Code is amended to read:

27 11165.7. (a) As used in this article, “mandated reporter” is
28 defined as any of the following:

29 (1) A teacher.

30 (2) An instructional aide.

31 (3) A teacher’s aide or teacher’s assistant employed by any
32 public or private school.

33 (4) A classified employee of any public school.

34 (5) An administrative officer or supervisor of child welfare and
35 attendance, or a certificated pupil personnel employee of any public
36 or private school.

37 (6) An administrator of a public or private day camp.

38 (7) An administrator or employee of a public or private youth
39 center, youth recreation program, or youth organization.

- 1 (8) An administrator or employee of a public or private
2 organization whose duties require direct contact and supervision
3 of children.
- 4 (9) Any employee of a county office of education or the
5 California Department of Education, whose duties bring the
6 employee into contact with children on a regular basis.
- 7 (10) A licensee, an administrator, or an employee of a licensed
8 community care or child day care facility.
- 9 (11) A Head Start program teacher.
- 10 (12) A licensing worker or licensing evaluator employed by a
11 licensing agency as defined in Section 11165.11.
- 12 (13) A public assistance worker.
- 13 (14) An employee of a child care institution, including, but not
14 limited to, foster parents, group home personnel, and personnel of
15 residential care facilities.
- 16 (15) A social worker, probation officer, or parole officer.
- 17 (16) An employee of a school district police or security
18 department.
- 19 (17) Any person who is an administrator or presenter of, or a
20 counselor in, a child abuse prevention program in any public or
21 private school.
- 22 (18) A district attorney investigator, inspector, or local child
23 support agency caseworker unless the investigator, inspector, or
24 caseworker is working with an attorney appointed pursuant to
25 Section 317 of the Welfare and Institutions Code to represent a
26 minor.
- 27 (19) A peace officer, as defined in Chapter 4.5 (commencing
28 with Section 830) of Title 3 of Part 2, who is not otherwise
29 described in this section.
- 30 (20) A firefighter, except for volunteer firefighters.
- 31 (21) A physician, surgeon, psychiatrist, psychologist, dentist,
32 resident, intern, podiatrist, chiropractor, licensed nurse, dental
33 hygienist, optometrist, marriage, family and child counselor,
34 clinical social worker, or any other person who is currently licensed
35 under Division 2 (commencing with Section 500) of the Business
36 and Professions Code.
- 37 (22) Any emergency medical technician I or II, paramedic, or
38 other person certified pursuant to Division 2.5 (commencing with
39 Section 1797) of the Health and Safety Code.

1 (23) A psychological assistant registered pursuant to Section
2 2913 of the Business and Professions Code.

3 (24) A marriage, family, and child therapist trainee, as defined
4 in subdivision (c) of Section 4980.03 of the Business and
5 Professions Code.

6 (25) An unlicensed marriage, family, and child therapist intern
7 registered under Section 4980.44 of the Business and Professions
8 Code.

9 (26) A state or county public health employee who treats a minor
10 for venereal disease or any other condition.

11 (27) A coroner.

12 (28) A medical examiner, or any other person who performs
13 autopsies.

14 (29) A commercial film and photographic print processor, as
15 specified in subdivision (e) of Section 11166. As used in this
16 article, “commercial film and photographic print processor” means
17 any person who develops exposed photographic film into negatives,
18 slides, or prints, or who makes prints from negatives or slides, for
19 compensation. The term includes any employee of such a person;
20 it does not include a person who develops film or makes prints for
21 a public agency.

22 (30) A child visitation monitor. As used in this article, “child
23 visitation monitor” means any person who, for financial
24 compensation, acts as monitor of a visit between a child and any
25 other person when the monitoring of that visit has been ordered
26 by a court of law.

27 (31) An animal control officer or humane society officer. For
28 the purposes of this article, the following terms have the following
29 meanings:

30 (A) “Animal control officer” means any person employed by a
31 city, county, or city and county for the purpose of enforcing animal
32 control laws or regulations.

33 (B) “Humane society officer” means any person appointed or
34 employed by a public or private entity as a humane officer who is
35 qualified pursuant to Section 14502 or 14503 of the Corporations
36 Code.

37 (32) A clergy member, as specified in subdivision (d) of Section
38 11166. As used in this article, “clergy member” means a priest,
39 minister, rabbi, religious practitioner, or similar functionary of a
40 church, temple, or recognized denomination or organization.

1 (33) Any custodian of records of a clergy member, as specified
2 in this section and subdivision (d) of Section 11166.

3 (34) Any employee of any police department, county sheriff's
4 department, county probation department, or county welfare
5 department.

6 (35) An employee or volunteer of a Court Appointed Special
7 Advocate program, as defined in Rule 1424 of the California Rules
8 of Court.

9 (36) A custodial officer as defined in Section 831.5.

10 (37) Any person providing services to a minor child under
11 Section 12300 or 12300.1 of the Welfare and Institutions Code.

12 (38) A licensed professional counselor, as defined in Section
13 4999.12 of the Business and Professions Code.

14 (39) A professional counselor trainee, as defined in subdivision
15 (g) of Section 4999.12 of the Business and Professions Code.

16 (40) An unlicensed professional counsel intern registered
17 pursuant to Section 4999.42 of the Business and Professions Code.

18 (b) Except as provided in paragraph (35) of subdivision (a),
19 volunteers of public or private organizations whose duties require
20 direct contact with and supervision of children are not mandated
21 reporters but are encouraged to obtain training in the identification
22 and reporting of child abuse and neglect and are further encouraged
23 to report known or suspected instances of child abuse or neglect
24 to an agency specified in Section 11165.9.

25 (c) Employers are strongly encouraged to provide their
26 employees who are mandated reporters with training in the duties
27 imposed by this article. This training shall include training in child
28 abuse and neglect identification and training in child abuse and
29 neglect reporting. Whether or not employers provide their
30 employees with training in child abuse and neglect identification
31 and reporting, the employers shall provide their employees who
32 are mandated reporters with the statement required pursuant to
33 subdivision (a) of Section 11166.5.

34 (d) School districts that do not train their employees specified
35 in subdivision (a) in the duties of mandated reporters under the
36 child abuse reporting laws shall report to the State Department of
37 Education the reasons why this training is not provided.

38 (e) Unless otherwise specifically provided, the absence of
39 training shall not excuse a mandated reporter from the duties
40 imposed by this article.

1 (f) Public and private organizations are encouraged to provide
2 their volunteers whose duties require direct contact with and
3 supervision of children with training in the identification and
4 reporting of child abuse and neglect.

5 SEC. 6. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.